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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JFP TOURING, LLC,

Plaintiff,

-against-

POLK THEATRE, INC.,

Defendant.

Civil Action No. 07-3341 (CM)(RLE)

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S COMPLAINT PURSUANT TO
FED. R. CIV. P. 12(b)(2) OR IN THE
ALTERNATIVE TO TRANSFER VENUE
PURSUANT TO FED. CIV. P. 12 (b)(3)**

Document Electronically Filed

TO: Leslie H. Ben-Zvi, Esq.
1790 Broadway – 10th Floor
New York, NY 10019
Attorneys for Plaintiff

PLEASE TAKE NOTICE that on _____, 2007, at 10:00 a.m. in the forenoon, or as soon thereafter as counsel may be heard, the undersigned attorneys for defendant Polk Theatre ("Defendant") shall move, pursuant to Fed. R. Civ. P. 12(b)(2) and (3), before the Honorable Colleen McMahon, United States District Judge, for an Order dismissing Plaintiff's complaint in its entirety and with prejudice, or in the alternative transferring Plaintiff's complaint from the United States District Court for the Southern District of New York to the Middle District of Florida, Tampa Division, and awarding Defendant attorneys' fees and costs and such other relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that in support of this Motion the Defendant shall rely upon the concurrently filed Memorandum of Law, Affidavit of Leslie Sikora with exhibits

annexed thereto, upon the record before the Court.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: May 1, 2007

FORD & HARRISON LLP

By: s/ Elana Gilaad

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**Pro Hac Vice* Admission Pending


Attorneys for Defendant Polk Theatre, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this date a true and correct copy of the foregoing Notice of Motion, Memorandum of Law, Affidavit of Leslie Sikora with exhibits annexed thereto, has been served by Hand Delivery upon:

Leslie H. Ben-Zvi, Esquire
1790 Broadway – 10th Floor
New York, NY 10019

Attorneys for Plaintiff JFP Touring, LLC



Elana Gilaad (EG-4212)

Dated: May 1, 2007

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